

**SUPREME COURT MINUTES
THURSDAY, JANUARY 29, 2009
SAN FRANCISCO, CALIFORNIA**

S058472**PEOPLE v. BENNETT (ERIC WAYNE)**

Opinion filed: Judgment affirmed in full

Opinion by: Moreno, J.

-----joined by: George, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S153846
SPRINT**

G037375 Fourth Appellate District, Div. 3

**MEYER (PAMELA) v.
SPECTRUM L.P.**

Opinion filed: Judgment affirmed in full

Majority opinion by: Moreno, J.

-----joined by: George C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S170118**LIM (SANG CHUL) ON H.C.**

Petition for writ of habeas corpus & stay denied

S033149**PEOPLE v. WEAVER
(LATWON REGENIAL)**

Extension of time granted

Good cause appearing, and based upon counsel James S. Thomson's representation that he anticipates filing the appellant's reply brief by September 10, 2009, counsel's request for an extension of time in which to file that brief is granted to April 7, 2009. After that date, only two further extensions totaling about 160 additional days will be granted.

S055856**PEOPLE v. ROMERO
(ORLANDO GENE) & SELF
(CHRISTOPHER)**

Extension of time granted

Good cause appearing, and based upon counsel Michael P. Goldstein's representation that he anticipates filing appellant Orlando Gene Romero's reply brief by April 17, 2010, counsel's

request for an extension of time in which to file that brief is granted to March 16, 2009. After that date, only seven further extensions totaling about 390 additional days are contemplated.

S056364

PEOPLE v. JONES (ALBERT)

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Scott C. Taylor's representation that he anticipates filing the respondent's brief by June 22, 2009, counsel's request for an extension of time in which to file that brief is granted to March 23, 2009. After that date, only two further extensions totaling about 90 additional days are contemplated.

S056766

PEOPLE v. LEON (RICHARD)

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Alison Pease's representation that she anticipates filing the appellant's opening brief by late March 2010, counsel's request for an extension of time in which to file that brief is granted to March 24, 2009. After that date, only six further extensions totaling about 360 additional days are contemplated.

S073205

PEOPLE v. WILLIAMS

(JACK

EMMIT)

Extension of time granted

Good cause appearing, and based upon counsel R. Clayton Seaman's representation that he anticipates filing the appellant's reply brief by July 15, 2009, counsel's request for an extension of time in which to file that brief is granted to April 6, 2009. After that date, only two further extensions totaling about 96 additional days are contemplated.

S075725

**PEOPLE v. JONES
(KIONGOZI)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Jessica K. McGuire's representation that she anticipates filing the appellant's opening brief by June 15, 2009, counsel's request for an extension of time in which to file that brief is granted to April 1, 2009. After that date, only one further extension totaling about 75 additional days is contemplated.

S090602

**PEOPLE v. PEOPLES (LOUIS
JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Phillip H. Cherney's representation that he anticipates filing the appellant's opening brief by May 2009, counsel's request for an extension of time in which to file that brief is granted to March 27, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

S091898

PEOPLE v. RUBIO (GILBERT RAUL)

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Christina A. Spaulding's representation that she anticipates filing the appellant's opening brief by November 2010, counsel's request for an extension of time in which to file that brief is granted to April 1, 2009. After that date, only ten further extensions totaling about 600 additional days are contemplated.

S096438

**CARTER (TRACEY LAVELL)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Corey J. Robins's representation that he anticipates filing the return to the order to show cause by March 30, 2009, counsel's request for an extension of time in which to file that brief is granted to March 30, 2009. After that date, no further extension is contemplated.

S107900

**PEOPLE v. WRIGHT, JR.,
(WILLIAM LEE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to March 17, 2009.

S168441

**PEOPLE v. MCKNIGHT
(ANTHONY)**

Extension of time granted

Good cause appearing therefore, in light of the fact that the clerk's transcript exceeds 10,000 pages, the request of the superior court clerk for an extension of time to complete the clerk's transcript on appeal is granted. (See Cal. Rules of Ct., rule 8.616(d)(1),(2).) The superior court clerk is directed to complete the clerk's transcript on appeal on or before February 17, 2009, and to notify the Clerk of this court in writing as soon as the transcript is completed.

S034072

PEOPLE v. CURL (ROBERT ZANE)

Order appointing Habeas Corpus Resource Center filed

The order appointing Michael G. Millman, as Executive Director of the California Appellate Project, to serve as interim habeas corpus/executive clemency counsel of record for appellant Robert Zane Curl, filed October 24, 2007, is hereby vacated.

On the court's own motion, the Habeas Corpus Resource Center is hereby appointed to represent appellant Robert Zane Curl for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed ... within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of prior habeas corpus/executive clemency counsel Kevin G. Little's inability to discharge his duty to investigate and, if appropriate, present a habeas corpus petition on behalf of appellant Robert Zane Curl, and this court's delay in appointing replacement habeas corpus/executive clemency counsel.

S097363

**PEOPLE v. MERRIMAN
(JUSTIN JAMES)**

Order appointing Habeas Corpus Resource Center filed

Upon request of appellant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Justin James Merriman for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

S068230

**PEOPLE v. BUTLER
(RAYMOND OSCAR)**

Order filed

Appellant's "Request for Leave to File Supplemental Opening Brief and Application to File Brief in Excess of 2,800 Words" are granted. The supplemental respondent's brief must be served and filed on or before February 18, 2009. Appellant's supplemental reply brief will be due within 10 days of the filing of the supplemental respondent's brief.

S143929

B176239 Second Appellate District, Div. 8

**SILVERBRAND (PETER) v.
COUNTY OF LOS ANGELES**

Request for judicial notice granted

Appellant's request for judicial notice, filed November 6, 2006, is granted.

S168784

PAEK ON DISCIPLINE

Recommended discipline imposed

It is ordered that STEVE S. PAEK, State Bar No. 175167, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 14, 2008. It is further ordered that STEVE S. PAEK take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-half of said costs be paid with membership fees for the years 2010 and 2011. It is further ordered that if STEVE S. PAEK fails to pay any installment of the disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S168785**KILSTOFTE ON DISCIPLINE****Recommended discipline imposed**

It is ordered that STEPHEN ROBERT KILSTOFTE, State Bar No. 79493, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 8, 2008. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S168787**MANSHARDT ON
DISCIPLINE****Recommended discipline imposed**

It is ordered that PATRICK J. MANSHARDT, State Bar No. 178085, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. PATRICK J. MANSHARDT is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed October 9, 2008. It is further ordered that PATRICK J. MANSHARDT take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order.

(See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S168789**JACOBA ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that CARL EDGAR C. JACOBA, State Bar No. 200565, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is ordered to make restitution within 30 days of the effective date of this order or within 30 days following the Client Security Fund payment, whichever is later to:

- (1) Rina Tobias in the amount of \$22,800 plus 10 percent interest per annum from October 6, 2006;
- (2) Femy Canlas in the amount of \$4,000 plus 10 percent interest per annum from May 29, 2007;
- (3) Janet Canlas in the amount of \$4,000 plus 10 percent interest per annum from May 29, 2007;
- (4) Evangeline Arciaga in the amount of \$11,172 plus 10 percent interest per annum from November 24, 2006; and
- (5) Jennifer Lizardo in the amount of \$7,828 plus 10 percent interest per annum from November 24,

2006 (or to the Client Security Fund to the extent of any payment from the fund to Rina Tobias, Femy Canlas, Janet Canlas, Evangeline Arciaga, and Jennifer Lizardo, plus interest and costs in accordance with Business and Professions Code section 6140.5).

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S168792**CALUNGCAGIN, JR., ON
DISCIPLINE**

Recommended discipline imposed

It is ordered that LUCIO G. CALUNGCAGIN, JR., State Bar No. 134519, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order

Approving Stipulation filed on October 8, 2008. It is also ordered that LUCIO G. CALUNGCAGIN, JR., take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that LUCIO G. CALUNGCAGIN, JR., comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-fifth of said costs be paid with membership fees for the years 2010, 2011, 2012, 2013, and 2014. It is further ordered that if LUCIO G. CALUNGCAGIN, JR., fails to pay any installment of the disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

Fourth Appellate District, Div. 2 **TRANSFER ORDERS**

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division Three:

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| 1. | E046510 | People v. Robert Trejo |
| 2. | E046521 | People v. Keith Slaughter |
| 3. | E046562 | People v. Phillip Delgado |
| 4. | E045103 | People v. Bradley Mills |
| 5. | E044535 | People v. Carl Mallett |
| 6. | E044708 | People v. Larry Swayzer |
| 7. | E046588 | People v. Raymond Yi |
| 8. | E046459 | People v. Laura DiGiorgio |